

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
CASE NO. 1:12-cv-800-WTL-TAB

JUDICIAL WATCH, INC.,
and TRUE THE VOTE,

Plaintiffs,

v.

J. BRADLEY KING, et al.

Defendants.

The deposition upon oral examination of
TRENT R. DECKARD, a witness produced and sworn before
me, Rachel L. Tookolo, a Notary Public in and for the
County of Hamilton, State of Indiana, taken on behalf
of the Plaintiffs at the Indiana Government Center,
South Building, 302 West Washington Street, Conference
Room 5, Indianapolis, Marion County, Indiana,
commencing on the 29th day of May, 2013, pursuant to
the Applicable Rules of Procedure with notice as to
time and place thereof.

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EXHIBIT

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1 Q So in February --

2 MR. CHRIS FEDELI: Can we take a
3 quick break really quick off the record?

4 (A short break was taken.)

5 Q So you first found out the counties exceeded the
6 total voting age population based on census data
7 and Election Assistance Commission data in
8 February of 2012 when you got Plaintiffs' letter,
9 correct?

10 A Yes.

11 Q So you didn't -- you hadn't been monitoring any of
12 that data prior to February of 2012 in your
13 office?

14 A We -- one of the other capacities of the
15 Co-Directors and the Election Division as a whole
16 is we do maintain precincts for the State of
17 Indiana, and so we work very closely through our
18 Precinct Coordinator through -- with the Office of
19 Census Data which assists the General Assembly
20 through the Legislative Services Agency. So we
21 always are monitoring census data for those
22 purposes, but specifically with -- in relation to
23 voter list maintenance, that's not a correlation
24 for us, so to speak, because you have apples and
25 oranges of information comparison.

1 Q What about the data that the counties report to
2 the Election Assistance Commission? You're aware
3 of that data, correct?

4 A Yes. Yeah, I jointly submit that with Mr. King.

5 Q You do?

6 A Yes.

7 Q So you take some responsibility for the accuracy
8 of that data?

9 A We do.

10 Q So that -- that data reflects the number of voters
11 on a county's registration list at any given time.
12 It's a snapshot in time, correct?

13 A Correct.

14 Q Okay. So you can take that snapshot in time and
15 then compare it with another snapshot in time,
16 such as census data, and then have a sense of how
17 many voters are on the rolls versus how many
18 18-year-old people -- or 18-year-old and over live
19 in a county, correct?

20 A You could do that. I would not recommend
21 comparing census data with voter registration
22 rolls, in my opinion. This is not an independent
23 division.

24 Q If you took a snapshot of both at the same time
25 for two sets of data?

1 A Yes.

2 Q And why is that?

3 A I believe that voter registration rolls with the
4 protections afforded under NVRA for removal of no
5 longer eligible voters and the process that that
6 takes, I believe that that will automatically
7 inflate a number if -- in comparison to census
8 data. Both are gathered and entered into and
9 removed from in very different ways. As far as I
10 know, the census worker is taking a census, that
11 is, the snapshot for that household on that day
12 that the census is taken --

13 Q So what you're saying is --

14 A Can I --

15 Q Please -- please, finish. Sorry.

16 A I just want to be clear here -- the voter
17 registration record, however, for instance, for a
18 county, if they have a high number of people
19 that -- I'll give you a prime example. A
20 community where either there's a university or
21 there's a number of people that settled into that
22 the community, move again within that community
23 and without different factors affect very
24 different counties. If you look at the map, the
25 counties appear pretty even as far as what they

1 movers -- in other words, a voter moves from one
2 county in Indiana to another, one county has to
3 make an affirmative note of whether this is the
4 same voter or not, send something to another
5 county, then that county has to process a removal
6 and a transfer in order to complete the process.
7 Is that something you can also monitor via SVRS?

8 A Yes.

9 Q And would it be the same process that you just
10 described for the removal of deceased people?

11 A Yes.

12 Q And Baker Tilly and Quest, do they monitor this
13 information on a monthly basis?

14 A I would believe that they would monitor that. I
15 cannot point to a specific report at this time,
16 but they are tasked, particularly the Program
17 Manager, with monitoring all our functions to make
18 sure that they are healthy and functioning. And
19 if there is ever an issue where a county perceives
20 that there's an issue, they're usually quick to
21 notify either through Quest, through the help
22 desk, Baker Tilly directly, or sometimes the
23 Division will forward that on to Baker Tilly to
24 follow up on.

25 Q Have you ever instructed anybody at Baker Tilly or

1 Quest to monitor that kind of activity about
2 counties and report back to you?

3 A I couldn't speak to that specific activity, but I
4 recall in the past that I have asked for various
5 functions or activities that might have been going
6 on to get more information.

7 Q And did you ever get -- and in the process of this
8 monitoring that you described that you will talk
9 to Baker Tilly, they would tell you what counties
10 are doing in terms of processing SVRS -- did you
11 ever in the past few years in your office
12 encounter information indicating a county was not
13 removing voters as it should be?

14 A I do not recall any time that I've encountered
15 that. You mean as it should be?

16 Q In other words, a county -- yeah, a county is not
17 removing or not processing transfers, or not
18 notifying other counties of transfers. Red
19 flag -- we've been monitoring SVRS for the past
20 six months and this county has not touched their
21 hopper, has not sent anything to anybody else's
22 hopper, anything like that?

23 A We had -- I can recall we had an instance -- and
24 it made some headlines particularly in LaPorte
25 County where they had removed an inappropriate

1 DIRECT EXAMINATION (Continuing),

2 QUESTIONS BY MR. CHRIS FEDELI:

3 Q When you talked to Baker Tilly about the
4 Department of Health and their efforts to ensure
5 the removal of deceased persons, have you ever
6 talked to them about the Department of Health's
7 efforts to obtain death information for people --
8 for registered voters who have died out of state?

9 A Can you restate that?

10 Q Yeah. Have you ever talked to -- let me give
11 you -- have you ever talked to anybody about the
12 Department of Health's process For obtaining death
13 information for people who don't die in Indiana?

14 A I mean we have several counties that are on
15 borders with other states, particularly our
16 neighbors to the south, north, east, west, and in
17 those cases there may be a high number of citizens
18 that do cross into other states and then
19 ultimately pass in a hospital or facility that is
20 more convenient to them in another state than in
21 Indiana. So what an ongoing concern is to make
22 sure with those border counties that they're
23 receiving the information they need to receive.

24 MR. CHRIS FEDELI: Madame Reporter,
25 what exhibit are we up to?

1 in relation to the Department of Health hopper.

2 A I assume that the false positive is a reference to
3 a record that is showing that a deceased
4 individual that -- as it's compared with for -- to
5 make sure that it's who they say that it is, that
6 it's giving a match of some sort. And so if it
7 were not giving -- it would give a high match, but
8 not really an appropriate person, and the county
9 may receive that as a false positive. Ultimately,
10 that is why they, I think, operate with
11 carefulness.

12 Q Going back briefly just about the structure of the
13 office in general, the Division: Is there any
14 sort of division of labor between you, your staff,
15 and Brad's staff, like you handle X and Brad tends
16 to handle Y?

17 A There are -- over time, there have been things
18 that developed that operate under bipartisan
19 consent, but we have different staff
20 differentiation. For instance, when we receive
21 from a county outside of our state or a
22 jurisdiction outside of our state information on a
23 newly-registered voter, Brad has a staff member
24 that would -- he's devoted to forwarding that
25 information to the counties and processing that.